

November 12, 2015



**Talbot County Planning Commission**  
**Final Decision Summary**

Wednesday, August 5, 2015 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

**Attendance:**

Commission Members:

Thomas Hughes, Chairman  
John N. Fischer, Jr., Vice Chairman  
William Boicourt  
Michael Sullivan  
Paul Spies (Absent)

Staff:

Mary Kay Verdery, Planning Officer  
Jeremy Rothwell, Planner I  
Elisa Deflaux, Environmental Planner  
Martin Sokolich, Long Range Planner  
Tony Kupersmith, Assistant County Attorney  
Carole Sellman, Recording Secretary

- 1. Call to Order**—Commissioner Hughes called the meeting to order at 9:00 a.m. Commissioner Hughes stated that Commissioner Spies would not be in attendance. He explained that tie votes are considered a negative vote. If any applicant chooses they can postpone without penalty until the next month. All applicants chose to move forward.

**2. Decision Summary Review:**

- a. July 1, 2015—The Commission noted the following corrections to the draft decision summary:

- (1) Line 210, correct to read: “Commissioner Fischer stated that the Bill appears to allow just three members of the County Council to redevelop a barn into something similar to a Holiday Inn.”
- (2) Line 215, correct to read: “Commissioner Fischer stated that the Bill circumvents...”
- (3) Line 218, correct to read: “Commissioner Fischer stated that small towns avoid PRDs and PUDs for a reason, unintended consequences always result.”
- (4) Line 220-221, Strike lines 220-221.
- (5) Line 224, at the end of the sentence should read: “2005 Comprehensive Plan”.
- (6) Line 227, change to read: “Commissioner Hughes stated there were a lot of discussions during the 2005 plan that there was vagueness in the Zoning Ordinance and the Comprehensive Plan. During that process they sought to cure a lot of the vagueness from the 1997 Plan.”
- (7) Line 228, change to read: “In this Bill while it provides flexibility it also reintroduces subjectivity and has a lack of fixed standards.”

- (8) Line 235, change to read: “Commissioner Fischer stated that the Commission was introduced”.
- (9) Line 236, change to read: “he was positively disposed to it.”
- (10) Line 238, change to read: “With the bill that is proposed today, Bill 1305 encompasses not only the Harbourtowne property, not only nonconforming properties in the critical area, but opens to redevelopment the entire County, every single property in this County with an improved lot.”
- (11) Line 241, change to read: “I don’t think this is consistent with what we expected and with policies of the Councils for the last 65 years...”
- Commissioner Fischer said the term “improved lot” used here is not a very clearly defined term and has meant very different things to many people. We were taking it to mean a very small shed or building. It has been taken to mean a mowed field to open up the entire county to development. The redefinition of what an improved lot can mean highlights the dangers that bill as drafted presented to this County.
- (12) Line 262, should read: “open-ended mechanisms.”
- (13) Line 313, should read: “Warren Martin Chairman of Bay Hundred for the last twelve years was charged with opposing the Miles Point Project endorsed what Commissioner Fischer and Mr. Alspach had said.”
- (14) Line 316, correct spelling, Andur.
- (15) Line 340, should say “as written”.
- (16) Line 362, insert “property” so it reads: “why couldn’t this property be annexed”.
- (17) Line 368, amend to read: “they want Harbourtowne to have to have some way to redevelop their property but this legislation goes far beyond what is needed.”
- (18) Line 397, Strike Alspach sentence, the next sentence to read: “He stated that the standards in the proposed legislation are incredibly circular and do not protect the County citizens.”
- (19) Line 409, correct to read: “What this will put us back into is a room of lawyers arguing what the meaning of “is” is. Having gone through that for decades seeing those kinds of public hearings we don’t need it again.”
- (20) Line 418, it should be “businesses”.
- (21) Line 420, correct to read: “People have asked him why they put a Quality Health Strategies in a shopping center.”
- (22) Line 423, add: “oddball arrangement of all these national franchise retailers with a good medical business in the middle of it.”
- (23) Line 578, not clear who was talking add: “Mr. Rothwell stated,”.
- (24) Line 607, insert reason for lot size waiver (requested by Planning Commission): “as the lot may be reconfigured again before final,”.

- 99 (25) Line 621, change to read: “where an overview of what was in the plan  
100 was reviewed.”  
101 (26) Line 645, change to read: “Commissioner Fischer stated he does not  
102 see how the County Council would not come back to the Planning  
103 Commission for our recommendations once the final Council changes  
104 have been agreed upon.”  
105 (27) Line 667, Change to Tier 3B.  
106 (28) Line 670, change to read: “Commissioner Fischer stated concerns that  
107 Public Works may be getting ahead....”  
108 (29) Line 677, change to read: “Mr. Pullen stated that in order to get  
109 funding for the extension of sewer lines they needed to be mapped...”  
110 (30) Line 749, correct to read: “He stated he felt you would not be able to  
111 get money from the state if you were assigning capacity to a number  
112 of new subdivisions that may or may not get built, yet Claibourne is  
113 still failing, but we’ve used all of our capacity on new subdivisions.”  
114 (31) Line 769, correct to read: “Frank Cavanaugh”.  
115 (32) Line 775, Commissioner Hughes stated the Commission also wanted  
116 to put in the growth area acreage and the number of approved houses  
117 in the County but not yet built. The growth area was approximately  
118 4,200 acres and the approved houses was somewhere around 3,000.  
119 (33) Line 780, change sentence change to read: “There is affordable  
120 housing in Easton and no one can qualify for it.”  
121 (34) Line 781, change to read: “Corey Pack sees a need for  
122 affordable/workforce housing which needs to be worked out.”  
123 (35) Line 782, amend to read: Clear definitions of Affordable Housing and  
124 Workforce Housing need to be developed.”  
125 (36) Line 787, amend to read: “When you say low income affordable  
126 housing, you say not in my neighborhood.”  
127 (37) Line 796, correct to read: “Commissioner Hughes stated we need to  
128 define Affordable Housing and Workforce Housing in zoning and land  
129 use, determining exactly what is meant in those terms.”  
130 (38) Line 979, should be TDRs not TDLs.  
131 (39) Line 1021, Commissioner Hughes added: “The Planning Commission  
132 states that concerning Tier 3B the emphasis needs to be on water  
133 quality strategy that ends up with a net reduction of nutrients per the  
134 federal TMDL requirement. Water quality strategy is both an  
135 elimination of fecal contamination and a net reduction in nutrient  
136 loads.”  
137

138 Commissioner Boicourt moved to approve the draft Planning Commission  
139 Decision Summary for Wednesday, July 1, 2015, as amended; Commissioner  
140 Sullivan seconded the motion. The motion carried unanimously.  
141

142 b. July 2, 2015—The Commission noted the following corrections to the draft  
143 decision summary:

- 144 (1) Change date in caption to read, Thursday, July 2, 2015.

- 145 (2) Line 68, change to read: “Commissioner Hughes stated the objective is  
146 to make sure the County not be stuck with the cost of road  
147 improvements.”
- 148 (3) Line 142, change to read: “The Commission stated that they had  
149 already discussed what they wanted to see regarding  
150 affordable/workforce housing, they needed specificity when they were  
151 talking about it. We need precise definitions for workforce and  
152 affordable housing.”
- 153 (4) Line 188, change to read: “The Planning Commission concurred the  
154 requirements are: existing failing septic system, no reserve area for an  
155 SDA, binding covenant restricting capacity and abutting the sewer  
156 line.”

157  
158 Commissioner Fischer stated he gathered that the County Council is  
159 headed toward not going forward with a requirement for inspections of  
160 sewer systems. At some point there is going to be a child playing in a  
161 failed field. It is unconscionable to not inspect these systems in some  
162 mandatory way. He thinks it will bite us at some point. Commissioner  
163 Hughes stated it is a known problem. Commissioner Fischer stated  
164 inspecting systems in Glebe Creek that 30% of the systems either the  
165 field or tank was failing. Commissioner Hughes stated not only raw  
166 sewage, but household chemicals and prescription drugs are going  
167 right into the river. This is a public health problem. The 2005  
168 Comprehensive Plan recommended an inspection at the settlement  
169 table. He stated we know there are hundreds of failing systems in the  
170 County. Commissioner Boicourt suggested adding language to  
171 encourage inspections of septic systems.

- 172  
173 (5) Line 216, correct to read: “Commissioner Hughes stated if both parties  
174 accepted inspection document at closing at least they are alerted.”
- 175 (6) Line 270, Strike paragraph 270-272.

176  
177 Commissioner Boicourt moved to approve the draft Planning Commission  
178 Decision Summary for Thursday, July 2, 2015, as amended; Commissioner  
179 Fischer seconded the motion. The motion carried unanimously.

180  
181 **3. Old Business—None.**

182  
183 It was requested by Sean Callahan that the discussion item for walkways in the buffer be  
184 heard first due to time constraints. It was agreed to expedite this item.

185  
186 **4. New Business**

- 187  
188 a. Administrative Variance—Hugh Panero and Mary Beth Durkin, #A219—  
189 27030 Rigby Lot Road, Royal Oak, MD 21662, (map 41, grid 10, parcel 21,  
190 zoned Rural Residential), Bill Stagg, Lane Engineering, LLC, Agent.

Mr. Rothwell presented the staff report of the applicant's request to construct a second and third story addition onto an existing one-story primary dwelling that is partially located within the 100 ft. Shoreline Development Buffer. The proposed additions will increase the gross floor area (GFA) within the Shoreline Development Buffer by approximately 6% (28 sq.ft.). No additional impervious surfaces (lot coverage) are planned under the proposed improvements.

Staff recommendations include:

1. The applicant shall make an application to the Office of Permits and Inspections, and follow all rules, procedures, and construction timelines as outlined regarding new construction.
2. The applicant shall commence construction on the proposed improvements within eighteen (18) months from the date of the Department of Planning and Zoning's "Notice to Proceed".
3. Natural vegetation of an area three times the extent of the approved disturbance in the buffer shall be planted in the buffer or on the property if planting in the Buffer cannot be reasonably accomplished. Disturbance outside the buffer shall be 1:1 ratio. A Buffer Management Plan application may be obtained through the Department of Planning and Zoning.

Commissioner Boicourt stated the primary concern is the Critical Area. We are looking at the 1.7 acre property, with the bulk and size of the proposal, we are not allowed to talk about the specifics of this case, correct? Mr. Rothwell stated that if it deals with whether the house can be arranged to accommodate development outside the buffer, it is within the Commission's purview. But when it comes down to do you like their architecture or not that's a different subject.

Commissioner Boicourt stated this does represent a change to the neighbors. Commissioner Hughes also stated concern with what the neighbors will feel about the architecture when they see the new structure going up. Commissioner Fischer asked what voice the neighbors had in these type cases. Commissioner Hughes stated there was a case where the project was blocking someone's view but there was nothing that could be done because it met all of the requirements to be able to build on the site. Commissioner Boicourt mentioned a case where because it did not meet setbacks a garage was denied. Ms. Verdery stated a neighbor can appeal the issuance of the building permit thirty days after issuance, but they would have to show it was issued in error.

Commissioner Hughes asked for public comments; none were made.

Commissioner Fischer moved to recommend approval to the Planning Officer for the administrative variance of Hugh Panero and Mary Beth Durkin, 27030 Rigby Lot Road, Royal Oak, MD 21662, provided compliance with staff recommendations occurs, Commissioner Sullivan seconded. The motion carried unanimously.

- 237  
238 b. Old McDonald LLC—Lot Size Waiver—W/S Bozman Neavitt Road, opposite  
239 Mayport Road, Bozman, MD 21612 (map 31, grid 4, parcel 371, zoned Rural  
240 Conservation), Bill Stagg, Lane Engineering, LLC, Agent.  
241

242 Mr. Rothwell stated staff gave applicant incorrect guidance at the Technical  
243 Advisory Committee meeting in April regarding the Waiver. In most cases on a  
244 Minor Subdivision the Planning Officer has the ability to approve a Waiver. In this  
245 instance the Code at 190-14G dictates that that the Planning Commission is the  
246 sole approving authority for a lot size waiver in the RC. The subject property as it  
247 exists now is a little over forty-nine acres. The Comprehensive Plan calls for the  
248 retention of agriculture using natural features for lot lines. The resulting lot is a  
249 little over eleven acres. Because it is over five acres and under twenty acres it  
250 would require a lot size waiver. The Department of Planning and Zoning  
251 recommends approval for this because it represents a better case and better  
252 retention of agricultural land. Applicant uses an existing hedge row as lot line for  
253 the southern boundary, has voluntarily put in a restrictive building envelope. The  
254 new access will be adjacent to the hedge row, and this is still a tilled agricultural  
255 field. Staff feels this better represents the intent of the Comprehensive Plan.  
256

257 Staff recommendations include:  
258

- 259 1. Address the June 24, 2015 Compliance Review Meeting comments from the  
260 Department of Planning and Zoning, Department of Public Works,  
261 Environmental Health Department, and the Environmental Planner prior to  
262 final plat submittal.  
263

264 Commissioner Hughes stated the Commission does not often get lot size waivers.  
265 The warrants in the Code say there needs to be a good reason, this one  
266 demonstrates a good reason.  
267

268 Commissioner Hughes asked for public comments; none were made.  
269

270 Commissioner Boicourt moved to approve the lot size waiver to allow for an  
271 11.283 acre lot for Old McDonald LLC, this preserves agricultural land, does not  
272 disturb the existing hedgerow, restricts the building envelope, and is a better  
273 configuration of the lot. Commissioner Fischer seconded the motion. The motion  
274 carried unanimously.  
275

276 Mr. Rothwell stated the reason this came before the Commission is because it was  
277 a 49 acre lot and we require a lot size waiver for anything between five and twenty  
278 acres. If you are talking about the retention of agricultural, you can kill agriculture  
279 with twenty acre lots as easily as you can with two acre lots. Some of the other  
280 jurisdictions have better requirements for this. In Lancaster County they require  
281 lots to be under three and over forty. Commissioner Hughes stated that our current  
282 two acre requirement has been partly required by the Health Department in order

283 to allow for a reserve SDA. Mr. Rothwell said for future planning the low standard  
284 would stay as it is, but a good plan would be to raise the higher to forty acres. He  
285 just wanted to bring this up as a discussion as the Commission goes through the  
286 Code. Mr. Stagg countered this by recognizing the desire for (waterfront) critical  
287 area lots in Talbot County.  
288

- 289 c. Robert F. Wilson and A. Stuart Wilson—14256 Old Wye Mills Road, Wye Mills,  
290 MD 21679 (map 1, grid 10, parcel 4, zoned Village Center), , Agent.  
291

292 Mr. Rothwell presented the Staff Report for a zoning map amendment to establish  
293 an historic overlay district for a particular property which contains the dwelling  
294 known as the Miller’s House. He began by explaining the process, the applicant  
295 comes to the County and requests the zoning map amendment changes, finds a  
296 County Council sponsor, Councilman Bartlett sponsored. It then goes to the  
297 Historic Preservation Commission and the Historic Preservation Commission  
298 issues a Findings of Fact. A project has to be of historic or architectural  
299 significance.  
300

301 Mr. Rothwell stated this is a very exciting project for the County. It is called the  
302 Miller’s House. This dwelling was constructed sometime before 1770 for Edward  
303 Lloyd, III, who was a very astute grain merchant. He saw the future of tobacco and  
304 was one of the first pioneers to transition to grain. He had the house constructed.  
305 This house is significant for two reasons, it represents industrial and manufacturing  
306 uses. It was nominated and listed on the National Historic Register in 1999. This is  
307 a very good example of an early Georgian residence. It has a belt course, at the  
308 foundation you have a water table. This dwelling had three additions. In the  
309 nineteenth century a central stair was added as well as a hallway, and a series of  
310 additions including a kitchen. In the 1950s the additions were demolished by a fire.  
311 Edward Lloyd, IV sold the house to another miller. That family owned the house  
312 for another 40 years who sold the house to the Hopkins family who held ownership  
313 until approximately 2011.  
314

315 Mr. Rothwell stated the mill was owned by the Hopkins family and operated until  
316 the 1950s. The house has not been lived in since the 1960s. It has been boarded up  
317 since approximately 1964. Historic Easton, Inc. purchased this property in 2011  
318 and did some work to the property to help save it, but they had limited resources.  
319

320 Mr. Rothwell went on to state the Wilsons have over 30 years of experience in  
321 renovating historical properties. One of the terms of the sale was that the Wilsons  
322 make application to apply for a historic overlay district on the property. Mr.  
323 Rothwell showed the Commission some pictures of the property.  
324

325 Staff recommendations include:  
326

- 327 1. The Department of Planning and Zoning recognizes the historical and  
328 architectural significance of the subject parcel and dwelling and concurs with

the Historic Preservation Commission in recommending that it should be established as a Historic Overlay District. Additionally, staff point out that this designation will allow the applicants to apply for generous tax credits through the Maryland Historical Trust to stabilize and restore the dwelling and property.

Mr. Wilson said that the mason working on the property is Jonas Miller, who is quite well known.

Robert. F. Wilson and Anne Stuart Wilson appeared before the Commission. Mr. Wilson said there is a significant graveyard on the property with graves from 1740 up to 1980. It comes in the title as a separate parcel and ownership is a little muddy. There is an easement across their property so that the family can access the graveyard. He stated he and Mrs. Wilson will probably be maintaining it.

Commissioner Fischer asked what Mr. Wilson's vision for the property is in five years.

Mr. Wilson gave a little of their background. Thirty-two years ago he took his wife on their first date in Loudon County to a property in worse condition than this. They have been rescuing properties that are not economically feasible for most people to undertake. A property can easily get to a point the money you put into it you can never recover. Preservation Maryland knows their reputation and connected them with this property. They renovated the Iglehart mansion in Annapolis, Maryland. A bulldozer was at its door and they saved it and restored it to museum quality. They acquired Providence Farm to keep a developer from bulldozing it. That was a four year restoration which they just moved into. They work full time and do the work themselves.

Commissioner Hughes asked if they will restore the property to a residence and then sell. Mr. Miller stated it will be restored to a residence. Even though there is grant money from Maryland Trust which normally would be tied to a trust, they have declined to do so. The intent is to put this property in the Historic Overlay District which will protect the property.

Commissioner Hughes asked if there would be recorded restrictive covenants on the use. Mr. Rothwell stated the zoning map amendment puts in a process in which the Historic Preservation Commission would have to approve any exterior alterations to the house. Commissioner Hughes asked if someone ten years from now could turn it into a 7-Eleven or something. Mr. Rothwell said absolutely not.

Mr. Wilson stated the property is currently listed on the National Historic Register. Commissioner Hughes asked if the property will be private property or will public access be allowed. Mr. Wilson said they will allow public access. There will be a marker and they will allow people to view the property. The Wilsons open their house several times a year for viewing. Also when people are



375 viewing the Mill they might walk around to the house. Commissioner Hughes  
376 clarified that there would not be a gift shop or that the house would not be open  
377 for frequent traffic, as his concern is parking. Mr. Wilson said no that is not what  
378 they meant.

379  
380 Commissioner Hughes asked about the maintenance plan, Section 190-109.F(4)  
381 upkeep and continued maintenance. Mr. Rothwell stated that is not the right code.  
382 The historic overlay district uses Section 190-108.

383  
384 Mr. Rothwell stated the applicant went before the Historic Preservation  
385 Commission, the Historic Preservation Commission issued a Findings of Fact  
386 stating the property is of architectural and historic significance. From here the  
387 Planning Commission's recommendation goes to the County Council. A majority  
388 of the Council members are required to visit the property and are required to  
389 advertise and hear it for two meetings.

390  
391 Commissioner Hughes asked as far as recommendations what warrants are they  
392 required to rule on. Mr. Rothwell stated they are to rule on warrant 190-108.B(1)  
393 "The County Council may establish, change, and define Historic Districts which  
394 are of local, state or national historic or architectural significance..." The warrants  
395 in the Zoning Map amendment section are irrelevant in this case because you are  
396 not changing residential or commercial.

397  
398 Commissioner Hughes asked for public comment.

399  
400 Marsha Kacher stated she has been on the Historic Commission for five years and  
401 this item has been on the Commission agenda for those five years. This is a  
402 momentous occasion.

403  
404 Commissioner Boicourt moved to recommend to the County Council approval of  
405 the Historic Overlay District for Robert F. Wilson and A. Stuart Wilson, known as  
406 The Miller's House, 14256 Old Wye Mills Road, Wye Mills, MD 21679, as it  
407 meets all the requirements under our Code as it relates to Historic Overlay  
408 Districts. Commissioner Sullivan seconded the motion. The motion carried  
409 unanimously.

410  
411 d. St. Michaels Comprehensive Plan

412  
413 Martin Sokolich stated the Town's plan is being presented to the Commission as  
414 part of the sixty day review period the state requires for comprehensive plans. The  
415 Town of St. Michaels has asked that the Planning Commission make a  
416 recommendation to the County Council on their comprehensive plan. He has  
417 received an email from the Town that one of the items has already been  
418 addressed, the annexation of the Chester Park area.

In terms of land use the Town has mentioned that the gateways are still a big concern. They would like to still work with the County on areas of mutual interest. They would also like to work with the County on Perry Cabin and Marea.

Miles Point is described in the plan as an agricultural area by use but zoned R1 (residential). The largest proposed change is the roadside portion of the Perry Cabin property at Watkins Lane which would change to Waterfront Development.

Mr. Sokolich also mentioned he talked to some other planners from the state, concerning the different Tier classifications for the municipalities than the County. When we would look at a piece of property that is agricultural in nature and not proposed for development the County would consider it Tier IV. In the town all lands are Tier I and Tier II.

The Rolles Range block is under consideration for a growth area. Commissioner Hughes stated there is a large area of forest there, which for several months of the year is under water. He feels that does not seem to be a good area for growth but maybe should be an area for limited sewer availability for existing house and small lots and the Countryside Preservation zone. Mr. Sokolich stated that if it is designated as a growth area we should go back and amend our comprehensive plan.

Staff recommendations include:

1. Indicate that the Chester Park annexation (Area "B") should be included in Map 2-1, Potential Annexation Area and more completely described in the Municipal Growth Chapter's text;
2. Suggest that the conservation status of the Miles Point properties could be strengthened by changing the designation to Tier 2A in the final Growth Tiers map;
3. Request that the Town keep the Department of Planning and Zoning informed on the plans for annexation of properties in the Rolles Range area, in order to maintain consistency between land use plans.

Debra Renshaw, Codes Enforcement Officer and Sarah Abel, for Town of St. Michaels also addressed the Planning Commission.

Ms. Renshaw stated the proposed annexation was requested by the owner for Rolles Range, Will Workman. There is a maximum build out of thirteen units on that property. They met with Ray Clarke and identified failing septic systems in that area. That is why they looked at both properties in their entirety. They realized that annexation could only occur by the request of the property owners. If other property owners did not want to come into Town there was nothing they could do. Because they had to show anything that might be a potential annexation area or might occur in the future they had to show that annexation area. Ms. Abel said the total annexation area was 85 acres. Commissioner Hughes asked what

466 was the acreage of the wooded area. Ms. Renshaw stated they did not have that  
467 information.  
468

469 Commissioner Hughes stated the County is currently considering areas of limited  
470 sewer availability whereby clusters of existing houses could be hooked up. This  
471 has been done for forty homes in the Royal Oak area. That could be addressed  
472 without annexing the property. He feels there will be some opposition to  
473 annexation of that property. Ms. Renshaw asked what was the reason for the  
474 opposition. Commissioner Hughes said because of the forest area that tends to  
475 flood, and the greenbelt.  
476

477 Mr. Sokolich stated water, resources, transportation and housing are all issues  
478 discussed in our comprehensive plan, St. Michaels is very aware of them. They  
479 are aware of the traffic going through town every day. People come into St.  
480 Michaels from all directions and it is a challenge but they are working with State  
481 Highways and others to address them. They have the same challenge with  
482 affordable housing and are addressing those things. They are looking for a  
483 recommendation to the Council for the draft comprehensive plan with whatever  
484 points you want to make to the Council.  
485

486 Commissioner Hughes wanted to make a point regarding the Rolles Range lot, as  
487 currently identified in the St. Michaels Plan. It is currently designated by the  
488 County as Countryside Preservation, as Tier IV. The County already lost  
489 greenbelt that was put in at the Hattons Garden project and now this greenbelt  
490 may disappear, including a flooded woods.  
491

492 Commissioner Hughes stated Countryside Preservation was not supposed to be  
493 annexed. Ms. Renshaw stated Countryside Preservation is all that surrounds the  
494 town of St. Michaels. Commissioner Hughes stated that was what was agreed to  
495 in 2005. Ms. Renshaw stated what was agreed to was limited growth, and the  
496 Town has held to that very tightly. They are only looking at two areas of growth,  
497 Rolles Range and an area next to Chester Park. The Commissioners have been  
498 very careful to hold the intent of the St. Michaels plan and the Talbot County plan  
499 to control growth. She stated they are putting a 200 foot mandatory restriction on  
500 the front to keep the open space. If they have an area of wetlands the  
501 recommendation from staff will be that there be a restriction so that it not be  
502 developed. The Town will take care of the problems the Commission is concerned  
503 about.  
504

505 Commissioner Boicourt stated the overall intent of Countryside Preservation in  
506 this particular case and the Straasburg case came with pretty strong support with  
507 the Commission and the County Council. It was a positive thing. It allowed the  
508 Town to grow. In both cases it was a positive thing.  
509

510 Commissioner Hughes stated people joked ten years ago Countryside  
511 Preservation was nothing but green ink on a page and he is concerned if we

512 slowly erase it, that is exactly what the end result will be. Per the 2005  
513 Comprehensive Plan the Countryside Preservation zone is to be a permanently  
514 preserved area of forest, wetlands, agriculture, etc. We did that for the hospital but  
515 re-established it on the north side of the hospital. If Rolles Range becomes a  
516 growth area then put Countryside preservation on the other side. If property down  
517 there is already one per twenty it will not have any effect on the property owner.  
518 Can we make a note to consider that?  
519

520 Commissioner Hughes noted at the bottom of the transportation and utilities  
521 Section, the plan credits the County's growth and management policies for  
522 villages and rural areas for keeping conditions from becoming worse. He advises  
523 that is about to change as the County Council is proposing changing some villages  
524 into growth areas. The Planning Commission does not support that idea.  
525

526 Ms. Renshaw was rather surprised at that, because what happens in those villages  
527 has a large impact on St. Michaels. They were concerned their Commissioners  
528 were not brought into any of those discussions.  
529

530 Ms. Renshaw stated the Town is very concerned about the commercial gateway  
531 approaching the town of St. Michaels. They are concerned about what happens in  
532 that area. Commissioner Hughes asked if they were talking about the storage  
533 building. He stated there was a mistake made on the design, there was supposed to  
534 have been a peaked roof façade on the property, but something got lost in the  
535 translation. The Commission has been attempting to do something with this  
536 ordinance over the years. They have been trying to get street trees, parking in the  
537 rear, minimize the signs and get sidewalks done. They also discovered when they  
538 tried to minimize the signs at a gas station that gas stations signs are controlled by  
539 the state.  
540

541 Ms. Renshaw will be retiring at the end of the month and thanked the  
542 Commission and the Staff, she enjoyed working with all of them for the past  
543 thirteen years.  
544

545 Commissioner Hughes wanted to add to the recommendations the Rolles Range,  
546 the potential of extension of the greenbelt Countryside Preservation. He would  
547 also like to highlight the part in the traffic and transportation section about giving  
548 the County credit for growth management policies in the villages and rural areas,  
549 the town is very concerned about traffic on Route 33 not only on a daily basis but  
550 especially during an evacuation basis. Commissioner Fischer also stated the need  
551 of working with the town on the Gateway legislation.  
552

553 Commissioner Fischer moved to recommend to the County Council the staff  
554 report with addendums, Commissioner Boicourt seconded the motion. The motion  
555 carried unanimously.  
556 |  
557

558 **5. Discussions Items**

559 a. Proposed text amendment for walkway in buffer, Section 190-134C.(2)(c)  
560 Pathways

561  
562 Ms. Deflaux stated there was an existing subdivision on the Hale property with a  
563 slate and concrete walkway in the buffer. During the review process the applicant  
564 was asked to either remove the walkway or obtain a variance from the Board of  
565 Appeals. As a result, Mr. Hale would like to amend the *Talbot County Code* to  
566 allow for more durable materials in the buffer for the walkway. Commissioner  
567 Fischer stated she had not mentioned the brick garden also in the buffer. Ms.  
568 Deflaux stated yes, and she also had pictures. Ms. Deflaux stated our current Code  
569 stipulates it has to be a direct access, no wider than six feet, low growing  
570 vegetation or wood chips.

571  
572 Ms. Deflaux presented pictures of the Hale property and the proposed  
573 subdivision. The current walkway and garden are not permitted. Commissioner  
574 Fischer questioned if the garden wall was about 35 feet. Ms. Deflaux stated it was  
575 about that. Mr. Rothwell stated this amendment would not cover the garden. The  
576 garden would either have to be removed or the applicant would need to get a  
577 variance.

578  
579 Ms. Deflaux showed the Commission pictures of additional properties with non-  
580 permitted walkways and explained what had been done to correct the problems.

581  
582 Ms. Deflaux stated she had investigated what the other Counties requirements  
583 were. Dorchester, Queen Anne and Caroline were basically the same, they  
584 allowed for mulch, anything more durable than mulch would need a variance,  
585 except for Dorchester which allowed for the space decking because they have a  
586 lot of non-tidal marsh areas that are probably being maintained as lawns. Kent  
587 allows any kind of material, they also allow a ten foot driving and a six foot  
588 walking access.

589  
590 The current code has some stipulations for direct access, maintaining as much  
591 canopy as possible, we want to keep those in the code. We want to amend the  
592 definition for raised walkway to allow for pier access over low lying areas.  
593 Currently you can have a walkway over non-tidal wetlands but you cannot have  
594 walkways over areas of lawn that become inundated with the Spring tides. We  
595 want to figure out how to include that in the Code as well.

596  
597 Sean Callahan, Lane Engineering, LLC, appeared before the Commission and  
598 stated that House Bill 1253, page 13, says:

599  
600 “‘Lot Coverage’ does not include (starting at item 2):

601 (2) A walkway in the buffer or expanded buffer, including a stairway,  
602 that provides direct access to a community or private pier;

603 (3) A wood mulch pathway; or

604 (4) A deck with gaps to allow water to pass freely.”

605  
606 This language regarding the ability to have a walkway in the buffer and to have it  
607 not defined as lot coverage was a negotiation between the Maryland  
608 Homebuilders Association and the Critical Area staff to allow some flexibility. It  
609 put into place a mechanism for walkways in the buffer because so many existed to  
610 allow access to water dependent structures. Commissioner Hughes stated they  
611 needed to be pervious. Mr. Callahan stated the law did not state that.

612  
613 Mr. Callahan stated that the County could end up with more trees in the buffer in  
614 certain circumstances if it was allowed to have two to one mitigation for  
615 walkways. Commissioner Hughes explained that state law binds for a threshold,  
616 but nothing prevents the County from having a higher standard. He also wanted to  
617 remind everyone that this was not a permitted use. Applicant wants to change  
618 rules so a non-permitted use becomes permitted.

619  
620 Commissioner Boicourt stated he is in favor of language to permit a walkway  
621 with controls, he thinks limiting it by size. He is more concerned about what is  
622 underneath of the walkway, if you put sand underneath it that is an insult. There  
623 should be restrictions of width and materials used. Ultimately the permeability of  
624 the walkway. Commissioner Fischer would like to know what happens to a  
625 contractor who builds a project like this. Commissioner Hughes asked if there is a  
626 sanction in the Code. Ms. Verdery said there is.

627  
628 b. Phillips Wharf Environmental Center request for trailer to house temporary  
629 classroom and exhibits

630  
631 Mr. Rothwell explained the applicant came back to the Planning Commission in  
632 March to allow for an altered façade and a different floor plan. They have just  
633 gone to Compliance Review Meeting. However the applicant, about two weeks  
634 ago, applied for a 24 x 60 temporary trailer for classrooms and exhibit space to be  
635 removed upon the completion of phase 1. Under our Code Section 190-100 for a  
636 temporary use we are only permitted to approve a trailer for storage or  
637 construction. They requested the trailer for three years. The code allows for 6  
638 months, but can be renewed at 6 months intervals. Section 190-184.O. Revision of  
639 Approved Site Plan - Allows the Planning Officer to approve minor alterations to  
640 the plan.

641  
642 (1) It must comply with Planning Commission’s conditions of approval.

643  
644 (2) Do not alter the impact of the development on natural or historic resources.  
645 They are proposing to put the trailers to go on the parking lot so that is not a  
646 problem.

647  
648 (3) Are internal to the site and do not affect setbacks, landscaping or buffering  
649 along the perimeter of the site. It does not do that.

(4) Do not increase the area of the building by more than 300 square feet or 10% of the gross floor area, whichever is less.

(5) Do not increase the lot coverage by more than 300 square feet.

(6) Do not change the location or design of access points to public roads.

The trailers would not increase the lot coverage but are putting a use on the property in a different location for a period of time that was not approved by the Commission in the Site Plan and was not approved by the Board of Appeals in the Special Exception. Commissioner Hughes asked what they were doing for water and sewer. Mr. Rothwell stated the Director of Public Works approved a temporary water and sewer hookup.

Commissioner Fischer stated that the Commission is generally supportive of Phillips Wharf and their objectives for the future, but he knows they are struggling to achieve funding. Ms. Verdery stated that they had received a grant for Ninety Thousand Dollars but she believes they are going to use that for the fire suppressant system and other things they can move forward with now. Commissioner Fischer is concerned the trailer could be there for a very long time. Commissioner Hughes stated can you imagine if we grant a temporary trailer with water and sewer?

Mr. Rothwell stated it would be a revision to the site plan with an ending date.

Commissioner Boicourt stated they want to go forward but they are extremely frustrated.

Mr. Rothwell stated the trailer would be placed on the other side of the trees where the metal storage building is. This would be a revision to the approved site plan.

Commissioner Fischer said the trailer is a bad idea, they need to collect the money to do what they are going to do. He feels it will reduce their incentive.

Mr. Rothwell stated the pressing, immediate concern is that they received, inadvertently, a grant to do environmental education with no place to hold classes. This is a high profile project and we need to provide what is the best and most correct procedure for them to apply to come back to you.

Commissioner Hughes asked are we really going to entertain a site plan for a trailer. Commissioner Fischer asked what is being asked of the Planning Commission. Mr. Rothwell stated we are asking for guidance for what procedure to give them. Commissioner Hughes stated the proper process is to come back for a revision to the site plan, but they should not assume it is a slam dunk.

696  
697 **6. Staff Matters**  
698

699 Ms. Verdery noted there are two upcoming Comprehensive Plan work sessions. She  
700 appreciated the Council's willingness to let the Commission participate. She and Martin  
701 will be meeting with Corey Pack on another subject and they will breach the subject of  
702 how they will move forward at the beginning of the next meeting to make it most  
703 effective. They are in concurrence with the Commission that they really need to make a  
704 decision as to the village growth areas, is it a real thing or not. That has so much impact  
705 on the rest of the Comprehensive Plan and every other document they deal with.  
706

707 Ms. Verdery stated Bill 1305, the PRD bill, staff is working with the Office of Law to  
708 either change or develop an alternative option that can be more specific to the parcels that  
709 it applies to: the uses that it applies to; also giving options specific to the original  
710 requestor, Harbourtowne, and what they can do as far as map amendments; zoning  
711 changes; we are giving a list to County Council so they can give us direction back.  
712

713 **7. WorkSessions**  
714

715 **8. Commission Matters**  
716

717 **9. Adjournment**—Commissioner Hughes adjourned the meeting at 11:44 a.m.  
718  
719

C:\Users\msokolich\Desktop\Aug 5 Decision Sum Edit.docx